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10
11 **UNITED STATES DISTRICT COURT**
CENTRAL DISTRICT OF CALIFORNIA

12 Line One Laboratories Inc. (USA), a
13 California corporation,

14 Plaintiff,

15 v.

16 Wingpow International Limited, a private
17 limited company organized in the United
Kingdom; Gary Ayckbourn, an individual;
18 Mark James Ayckbourn, an individual;
and DOES 1-10, inclusive,

19 Defendants.

20
21 And related counterclaims.

22 Case No. 2:22-cv-02401-RAO

23 **DISCOVERY MATTER**

24 **COUNTERCLAIMANTS' MOTION**
TO COMPEL RESPONSES TO
FIRST SET OF POST-JUDGMENT
REQUESTS FOR PRODUCTION
OF DOCUMENTS

25 Date: September 17, 2025

26 Time: 10:00 a.m.

27 Dept. 590

28 Hon. Rozella A. Oliver

1 TO ALL PARTIES HEREIN AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE THAT on September 17, 2025, at 10:00am in
3 Courtroom 590 of the U.S. District Court for the Central District of California, 255 East
4 Temple Street Los Angeles, CA 90012-3332, Counterclaimants Wingpow International
5 Limited, Gary Ayckbourn, and Mark Ayckbourn (“Counterclaimants”) shall move and
6 hereby move to compel Counterdefendant/Judgment Debtor Calvin Spencer Lee a/k/a
7 Budiman Lee (“Judgment Debtor” or “Lee”) to produce documents responsive to
8 Counterclaimants’ First Set of Post-Judgment Requests for Productions (the “RFPs”).

9 This Motion is brought pursuant to Fed. R. Civ. P. 37 (failure to make disclosures
10 or to cooperate in discovery; sanctions) and 69(a)(2) (post-judgment discovery); as well
11 as L.R. 37-2.4 (failure to file joint stipulation) and 37-4 (cooperation of counsel-
12 sanctions). It is necessitated by Lee’s intransigent, bad faith and dilatory conduct in
13 responding to post-judgment discovery. In short, Lee’s responses were due on June 2,
14 2025, but Lee refused to produce a *single* document, hiding behind baseless and
15 boilerplate objections that he has never explained or justified in response to
16 Counterclaimants’ efforts to meet and confer. He did not even produce any documents
17 after the Court ruled against him at an informal discovery conference. Then, when
18 Counterdefendants served him with a joint stipulation in support of a motion to compel,
19 he refused to return his portions as required. Instead he served supplemental responses
20 stating that subject to his various boilerplate objections, he “will produce” documents
21 “that can be located after a diligent search and reasonable inquiry.” As of the date of
22 this filing, nearly an entire week later, Lee still has not produced a single document.

23 Counterclaimants have already conferred on all of Lee’s boilerplate objections,
24 and there is no good faith basis for his continued refusal to produce documents in
25 response to the RFPs. Counterclaimants are now forced to file this Motion and request
26 the Court order Lee to immediately produce all responsive documents to the RFPs.
27 Counterclaimants also request an award of their attorneys’ fees and costs incurred in
28

1 forcing Lee to comply with his discovery obligations, including because he has failed
2 to cooperate with this Court's required procedures for motions to compel. L.R. 37-4.

3 This Motion is filed following the service of a L.R. 37-1 letter and a meet-and-
4 confer discussion via videoconference but is submitted without a joint stipulation
5 because Lee "failed to provide the opposing party's portion of the joint stipulation in a
6 timely manner under L.R. 37-2.2." L.R. 37-2.4; *see* Supplemental Declaration of
7 Jeffrey N. Williams ("Suppl. Williams Decl."), ¶ 22. The Motion is based upon this
8 Notice of Motion and attached Memorandum of Points and Authorities, the previously-
9 filed Declaration of Jeffrey N. Williams and attached documents (Dkt. 362), the
10 concurrently-filed Supplemental Declaration of Jeffrey N. Williams, the complete files
11 and records in this action, and such other matters as the Court may allow.

12

13 Dated: August 15, 2025

WARGO, FRENCH & SINGER LLP

14

By: /s Jeff Williams

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

For more than three months, Counterclaimants have attempted in vain to obtain documents from Lee that would identify and describe his assets that may be available for execution in connection with the \$6.9 million Judgment entered against him. Over this time frame, Counterclaimants served the RFPs; Lee refused to produce documents; Counterclaimants served a L.R. 37-1 letter; the parties conferred; the Court overruled Lee's prematurity objection; Counterclaimants followed up to demand the documents; Lee continued to refuse; Counterclaimants served a joint stipulation in support of a motion to compel; and Lee failed to return his portions of the joint stipulation. Lee has turned post-judgment discovery into a wild-goose chase, which has necessitated the instant motion along with the recently filed Motion to Compel Responses to First Set of Post-Judgment Interrogatories. Dkt. 361.

Somehow, however, Lee has managed to provide even less information in response to the RFPs than the Interrogatories. As explained in the sister motion, Lee’s responses to the Interrogatories were woefully incomplete and clearly designed to only provide Counterclaimants with information they already knew. *See id.* But Lee’s document production is not just *incomplete*, it is *nonexistent*. There is no excuse for his failure to comply with his discovery obligations, particularly considering that his counsel sent an e-mail indicating they had documents in-hand *more than two weeks ago*. His continued reliance on boilerplate objections to obscure his responses along with his continued suggestions that he “will produce” documents “that can be located after a diligent search and reasonable inquiry” are no more than stonewalling. Lee has had every reasonable opportunity to produce documents and failed to do so.

Thus, given Lee’s intransigence and blatant violation of this Court’s local rules governing discovery disputes, Counterclaimants ask the Court to immediately compel Lee to produce all documents responsive to the RFPs *without* narrowing his production based in any way on the boilerplate objections asserted in his responses and addressed

1 in the joint stipulation. Counterclaimants also ask that the Court award their fees and
2 costs and/or impose sanctions as appropriate.

3 **II. BACKGROUND**

4 Counterclaimants summarized the relevant background in their Motion to
5 Compel Responses to First Set of Post-Judgment Interrogatories and incorporate that
6 background by reference here. Dkt. 361 at 2–3.

7 Briefly, however, Counterclaimants served Lee with the RFPs on May 1, 2025.
8 Dkt. 362-2. On June 2, Lee served Responses to the RFPs. Dkt. 362-4. Because the
9 Responses did not identify any documents responsive to the RFPs and were filled only
10 with ineffective boilerplate paragraphs of objections alongside a vague commitment
11 to meet and confer at an indefinite time in the future, Counterclaimants served a
12 deficiency letter pursuant to L.R. 37-1 pointing out, among other things, that such
13 objections were “tantamount to not making any objection at all.” Dkt. 362-5, *citing*
14 *Herrera v. AllianceOne Receivable Mgmt., Inc.*, No. 14-CV-1844-BTM, 2016 WL
15 1182751, at *3 (S.D. Cal. Mar. 28, 2016). On June 11, the parties met and conferred.
16 Lee provided no substantive explanation for his boilerplate objections and ultimately
17 contended that his refusal to provide any responses or documents was based on a
18 singular objection: that he was “presently obtaining a bond.” Dkt. 362 at ¶ 6. The
19 Court overruled that objection, Dkt. 347, and Counterclaimants requested that Lee
20 supplement his responses produce all responsive documents (with privilege log, if
21 applicable) by July 9. Dkt. 362-6. Lee did not respond. Dkt. 362 at ¶ 10.

22 Instead, more than two weeks later on July 28, Lee’s counsel stated that they
23 had “received a production from our client” and suggested the parties again meet and
24 confer with respect to the RFPs. Dkt. 362-9. Counterclaimants offered several times
25 to confer. *Id.* Lee’s counsel then reversed course, stating on August 1 that “after
26 reviewing the volume of documents” they no longer needed to meet and confer. *Id.*
27 On the same date, because Counterclaimants were separately moving to compel on the
28 Interrogatories, Lee served amended Interrogatory responses (which, again, are the

1 subject of the sister motion to compel because they are woefully incomplete and
2 insufficient). Dkt. 362-10. Among other things, the amended Interrogatory responses
3 identified at least 26 documents—including tax returns and corporate and trust
4 formation documents—that would also be responsive to the RFPs. *Id.* at 34–36.
5 Nevertheless, Lee *still* did not amend his RFP responses or produce any documents.
6 Dkt. 362 at ¶ 19.

7 Thus, on August 4, Counterclaimants served a joint stipulation in support of a
8 motion to compel (“Joint Stipulation”). Dkt. 362 at ¶ 18; Suppl. Williams Decl., Ex.
9 K. By local rule, Lee’s responsive portions of the Joint Stipulation were due one week
10 later on August 11. Lee, however, intentionally failed to respond and provide his
11 portions as required. *Id.*, ¶ 22. Instead—just as he had done with the Interrogatories—
12 Lee unilaterally determined that he would instead serve “supplemental” RFP responses
13 at the very last minute (the “Supplemental Responses”). *Id.*, Ex. L.

14 As explained below, the Supplemental Responses do nothing to cure the
15 deficiencies in the original Responses. The Supplemental Responses continue to rely
16 on the very boilerplate objections refuted in the Joint Stipulation, and moreover,
17 continue to assert that production will be forthcoming at some unspecified point in
18 time “after a diligent search and reasonable inquiry.” Indeed, Lee provides the exact
19 same supplemental response for every RFP, *i.e.*:

20 Plaintiff incorporates by reference his Preliminary Statement, General
21 Objections, Objections to Definitions, and prior response and specific
22 objections as though stated fully herein.

23 Subject to and without waiving the foregoing Preliminary Statement,
24 General Objections, Objections to Definitions, and prior response and
25 specific objections, Plaintiff responds as follows: Plaintiff will produce all
non-privileged documents that are responsive to this Request, that can be
located after a diligent search and reasonable inquiry.

26 *See id.*

27 As of the date of this filing—nearly a week after the production of the
28 Supplemental Responses—Lee still has not produced a single document. *See id.* ¶ 24.

1 **III. ARGUMENT**

2 Because Lee failed to return his portion of the Joint Stipulation,
3 Counterclaimants submit this motion under Rule 6-1 and ask the Court compel Lee to
4 produce all responsive documents to Counterclaimants' RFPs *without* relying on the
5 boilerplate objections addressed in the Joint Stipulation. As set forth in the Joint
6 Stipulation, Lee's original objections were vague and baseless. *See* Suppl. Williams
7 Decl., Ex. K. Lee's Supplemental Responses continue to rely on these objections, as
8 each response explicitly states that he "incorporates by reference his Preliminary
9 Statement, General Objections, and Objections to Definitions, and prior response and
10 specific objections as though stated fully herein" and then responds "[s]ubject to and
11 without waiving the foregoing." *Id.*, Ex. L at 7-8. Yet Lee failed to respond to
12 Counterclaimants' L.R. 37-1 letter pointing out the deficiencies in his objections and
13 failed to provide his portions of the Joint Stipulation. Thus, even if these boilerplate
14 objections were cognizable to begin with (they were not), Lee has waived them.

15 Moreover, each Supplemental Response states that "[Lee] will produce all non-
16 privileged documents that are responsive to this Request, that can be located after a
17 diligent search and reasonable inquiry." *Id.* This clearly is improper as Lee has not
18 produced any documents or specified a reasonable time for the production to occur as
19 required by Fed. R. Civ. P. 34(b)(2)(B). At this point, the RFPs are over three months
20 old. There simply is no justification for Lee's continued delays, particularly because
21 his counsel admitted to being in possession of relevant documents weeks ago.

22 Thus, the Court should grant this Motion for the reasons set forth in the
23 unrebutted Joint Stipulation, order Lee to amend his RFP responses to remove all of
24 his meritless and waived objections, order Lee to immediately produce all responsive
25 documents without objection, and award fees/costs/sanctions as appropriate.

26 **1. Lee Must Immediately Produce All Responsive Documents.**

27 As set forth in the Joint Stipulation, there is no good faith dispute that the RFPs
28 seek the production of documents permitted by the rules. Under Fed. R. Civ. P. 69,

1 post-judgment discovery “generally has two purposes: (1) to identify assets that can
2 be used to satisfy a judgment and (2) to discovery concealed or fraudulently transferred
3 assets.” *Ceinorius v. Franco*, 2020 WL 3487805, *1 (N.D. Cal. June 26, 2020)
4 (quotations omitted); *see also* 12 Charles Alan Wright & Arthur R. Miller, *Federal*
5 *Practice & Procedure* § 3014 (3d ed.) (“The judgment creditor is allowed discovery
6 to find out about assets on which execution can issue or about assets that have been
7 fraudulently transferred or are otherwise beyond the reach of execution.”). “The rules
8 governing discovery in postjudgment execution proceedings are quite permissive.”
9 *Republic of Argentina v. NML Capital, Ltd.*, 573 U.S. 134, 138 (2014). “A judgment
10 creditor is therefore ordinarily entitled to a very thorough examination of a judgment
11 debtor with respect to its assets, including discovery of the identity and location of any
12 of the judgment debtor's assets, *wherever located.*” *Ceinorius*, 2020 WL 3487805, *1
13 (alteration omitted) (emphasis added). “Even though Rule 69 discovery may resemble
14 the proverbial fishing expedition, ‘a judgment creditor is *entitled* to fish for assets of
15 the judgment debtor.’” *Textron Fin'l Corp. v. Gallegos*, 2016 WL 4077505, at *3
16 (S.D. Cal. Aug. 1, 2016) (emphasis in original) (quoting *Ryan Inv. Corp. v. Pedregal*
17 *de Cabo San Lucas*, 2009 WL 5114077, at *4 (N.D. Cal. Dec. 19, 2009)).

18 a. *The RFPs seek discoverable information about Lee's assets.*

19 In compliance with the aforementioned post-judgment discovery parameters,
20 Counterclaimants' RFPs are designed to discover documents relevant to Lee's assets
21 and transfers thereof since the inception of this litigation. Counterclaimants' need for
22 such information is especially true in light of the extensive reorganization of virtually
23 all of Lee's assets immediately before trial, which Counterclaimants have repeatedly
24 shown. *See* Dkt. 274; Dkt. 320-1.

25 There is no reasonable dispute that these documents are discoverable and that,
26 as a practical matter, Lee can produce them on demand. In fact, Lee has readily filed
27 these documents when necessary to serve his own interests—for instance, in opposing
28 Counterclaimants' Motion for Order Charging Membership Interests of Judgment

1 Debtor in Limited Liability Companies. *See, e.g.*, Dkt. 230-2, 230-4. Within *one week*
2 of that motion, Lee produced and filed documents purporting to show that he had
3 assigned his interests in Counterdefendants Line One Laboratories LLC and American
4 Latex LLC to a trust. *See id.* Lee should have produced these documents—and all
5 related documents about his admitted asset transfers and corporate reorganizations—
6 only three days later. Three months later, he still has not. In short, Lee will produce
7 documents when needed to resist execution of the Judgment, but refuses to produce
8 documents that might inform execution of the Judgment.

9 b. *Lee's reincorporation of prior boilerplate objections is improper.*

10 Lee also reincorporates prior boilerplate objections to the production of
11 documents, despite having failed to ever justify them. The only purpose of doing so
12 is to make a facial commitment to produce documents for present purposes, while at
13 the same time: (i) obscuring whether or not any documents are actually being withheld
14 on the basis of an objection; and (ii) providing an escape valve when his production is
15 later determined to be incomplete or insufficient. This is clearly improper and the very
16 tactic that led to the 2015 amendment of Rule 34 to require that “[a]n objection must
17 state whether any responsive materials are being withheld on the basis of that
18 objection. An objection to part of a request must specify the part and permit inspection
19 of the rest.” Fed. R. Civ. P. 34(b)(2)(C).

20 In any event, the objections are meritless because they lack specificity and have
21 never been explained. Generic objections are improper and amount to no objection at
22 all. *See Herrera*, 2016 WL 1182751, at *3 (S.D. Cal. Mar. 28, 2016) (“Defendant has
23 provided a catalogue of boilerplate objections, including noting that this request is
24 vague, ambiguous, overbroad, duplicative, and seeks irrelevant information, but has
25 failed to provide any explanation for its objections, the ‘objections are inadequate and
26 tantamount to not making any objection at all.’” (citation omitted)). By failing to
27 object in the proper manner, Lee has waived any valid objections. Fed. R. Civ. P.
28 33(b)(4) (“Any ground not stated in a timely objection *is* waived” (emphasis

1 added)); *Garza v. Cnty. of San Bernardino*, 2024 WL 5466707, at *5 n.3 (C.D. Cal.
2 Sept. 16, 2024) (“Many courts have found that boilerplate objections, which by nature
3 lack specificity, are deemed waived.”). Even if not, Lee had multiple opportunities to
4 explain his objections, both in meeting and conferring and by responding to the Joint
5 Stipulation. Lee abjectly failed to do so. Thus, all of Lee’s objections are waived.

6 *c. Lee’s Supplemental Responses are deficient.*

7 Because the RFPs seek discoverable information and Lee’s objections are
8 meritless (and waived), he must produce all responsive documents. He is aware of
9 this, obviously, as he has included a Supplemental Response to every RFP that he “will
10 produce” responsive documents “after a diligent search and reasonable inquiry.”
11 Suppl. Williams Decl., Ex. L at 7-8.

12 But the production in response to a request for production must “be completed
13 no later than the time for inspection specified in the request or another reasonable time
14 specified in the response.” Fed. R. Civ. P. 34(b)(2)(B); *see also QC Labs v. Green*
15 *Leaf Lab, LLC*, 2019 WL 6797250, at * 6 (C.D. Cal. July 19, 2019) (finding that
16 response stating that documents will be produced, but giving no reasonable date as to
17 when the production would occur, failed to comply with Rule 34). The Supplemental
18 Responses clearly violate this rule. And again, it has been over three months since the
19 RFPs were originally served. There is no reason, nor has Lee even attempted to
20 provide a reason, why documents have not yet been produced.

21 Accordingly, this Court should compel Lee to immediately produce all
22 documents responsive to the RFPs.

23 **2. The Court Should Award Counterclaimants Fees and Costs and
24 Sanctions.**

25 Pursuant to Fed. R. Civ. P. 37(a)(5) and L.R. 37-4, Counterclaimants request
26 the Court award their fees and expenses incurred in forcing Lee to comply with his
27 discovery obligations, including sanctions for his failure to return the Joint Stipulation
28

1 or otherwise comply with the Court’s required process for motions to compel.
2 *Infanzon v. Allstate Ins. Co.*, 335 F.R.D. 305, 311 (C.D. Cal. 2020).

3 At this point, there is no other conclusion to draw from Lee’s conduct than he is
4 knowingly and intentionally ignoring his discovery obligations.¹ He has been provided
5 an excessive amount of notice that he must produce documents: through the original
6 RFPs; the Court’s order explicitly overruling his “premature” objection (*see* Dkt. 347);
7 Counterclaimants’ subsequent requests to produce documents; two (unreturned) joint
8 stipulations; and finally, the sister motion to compel. A failure to provide a tangible
9 deterrent for bad-faith conduct will only incentivize the exact same conduct in the
10 future. Accordingly, the Court should issue sanctions and award Counterclaimants
11 their fees and costs as appropriate.

12 **IV. CONCLUSION**

13 For the foregoing reasons, Counterclaimants request that the Court grant the
14 Motion and provide the relief requested herein.

15
16 Dated: August 15, 2025

WARGO, FRENCH & SINGER LLP

17 By: /s Jeff Williams
18 JEFFREY N. WILLIAMS
19 DAVID M. PERNINI
BRANDON R. PARRISH

20 Attorneys for Counterclaimants Wingpow
21 International Ltd., Gary Ayckbourn, and Mark
Ayckbourn

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26 ¹ After months of meeting and conferring, Counterclaimants were forced previously to
27 file a myriad of discovery motions to seek basic factual information on the merits of
the case. *See* Dkt. 76, 77, 78 (containing joint stipulations to compel answers to
28 interrogatories, depositions, and the production of documents).